

AMENDED IN SENATE APRIL 1, 2004

SENATE BILL

No. 1485

Introduced by Senator Burton

February 19, 2004

An act to amend ~~Section~~ *Sections 2620 and 2622* of, ~~to add Section 2623 to, and to repeal and add Section 2620 of,~~ the Business and Professions Code, relating to physical therapy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1485, as amended, Burton. Physical therapy.

Existing law, the Physical Therapy Practice Act, regulates the practice of physical therapy by the Physical Therapy Board of California in the Department of Consumer Affairs, and provides that a violation of the act is a crime. Existing law defines "physical therapy" and "physical therapist" for purposes of the act.

This bill would ~~delete~~ *revise* the definition of "physical therapy" and ~~would instead define the "practice of physical therapy."~~ The bill would ~~provide that this definition would not restrict or prohibit healing arts practitioners from practice within the scope of their license or registration to include the promotion and maintenance of fitness, health, and wellness related to a person's bodily movement in persons of all ages.~~ The bill would also revise the definition of a physical therapist.

~~This bill would require a physical therapist who has reasonable cause to believe that an individual requires services that are outside of the physical therapist's scope of practice to immediately refer the individual to an appropriate licensed health care professional or clinic, health dispensary, or health facility.~~

~~Because the bill would impose a new requirement on physical therapists, the violation of which would be a crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: yes no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 2620 of the Business and Professions~~
2 ~~Code is repealed.~~

3 ~~SEC. 2.—Section 2620 is added to the Business and Professions~~
4 ~~Code, to read:~~

5 ~~2620.—(a) The “practice of physical therapy” means all of the~~
6 ~~following:~~

7 ~~(1) Examining, evaluating, and testing individuals with~~
8 ~~mechanical, physiological and developmental impairments;~~
9 ~~functional limitations and disabilities, or other health and~~
10 ~~movement related conditions in order to determine the physical~~
11 ~~impairment or movement-related functional limitation, a~~
12 ~~prognosis, and a plan of therapeutic intervention, and to assess the~~
13 ~~ongoing effects of intervention.~~

14 ~~(2) Alleviating movement related impairments, functional~~
15 ~~limitations, and disabilities by designing, implementing, and~~
16 ~~modifying therapeutic interventions through the use of the~~
17 ~~physical, chemical, and other properties of heat, light, water,~~
18 ~~electricity, sound, massage, and active, passive, and resistive~~
19 ~~exercise, and shall include physical therapy evaluation, treatment~~
20 ~~planning, instruction, and consultative services.~~

21 ~~(3) The use of roentgen rays and radioactive materials, for~~
22 ~~diagnostic and therapeutic purposes, and the use of electricity for~~
23 ~~surgical purposes, including cauterization, are not authorized~~
24 ~~under the term “physical therapy” as used in this chapter.~~

25 ~~(4) Reducing the risk of injury, impairment, movement related~~
26 ~~functional limitation, or disability, including the promotion and~~

~~1 maintenance of fitness, health, and wellness in populations of all
2 ages.~~

~~3 (5) Engaging in administration, consultation, education, and
4 research.~~

~~5 (b) Nothing in this section shall be construed to restrict or
6 prohibit healing arts practitioners licensed or registered under this
7 division from practice within the scope of their license or
8 registration.~~

~~9 (c) Nothing in this section shall be construed to authorize a
10 physical therapist to diagnose disease.~~

~~11 SEC. 3.~~

~~12 SECTION 1. Section 2620 of the Business and Professions
13 Code is amended to read:~~

~~14 2620. (a) Physical therapy means the art and science of
15 physical or corrective rehabilitation or of physical or corrective
16 treatment of any bodily or mental condition of any person by the
17 use of the physical, chemical, and other properties of heat, light,
18 water, electricity, sound, massage, and active, passive, and
19 resistive exercise, and shall include physical therapy evaluation,
20 treatment planning, instruction and consultative services,
21 including the promotion and maintenance of fitness, health, and
22 wellness related to a person's bodily movement in persons of all
23 ages. The use of roentgen rays and radioactive materials, for
24 diagnostic and therapeutic purposes, and the use of electricity for
25 surgical purposes, including cauterization, are not authorized
26 under the term "physical therapy" as used in this chapter, and a
27 license issued pursuant to this chapter does not authorize the
28 diagnosis of disease.~~

~~29 (b) Nothing in this section shall be construed to restrict or
30 prohibit other healing arts practitioners licensed or registered
31 under this division from practice within the scope of their license
32 or registration.~~

~~33 SEC. 2. Section 2622 of the Business and Professions Code is
34 amended to read:~~

~~35 2622. "Physical therapist" means a person who is licensed
36 pursuant to this chapter to practice physical therapy. For purposes
37 of this chapter, the term "physical therapy" and "physiotherapy"
38 shall be deemed identical and interchangeable.~~

~~39 SEC. 4. Section 2623 is added to the Business and Professions
40 Code, to read:~~

1 ~~2623.—If a physical therapist has reasonable cause to believe~~
2 ~~that an individual requires services that are outside of the physical~~
3 ~~therapist's scope of practice, the physical therapist shall~~
4 ~~immediately refer the individual to any of the following:~~

5 ~~(a) An appropriate health care professional licensed or certified~~
6 ~~pursuant to Division 2 (commencing with Section 500), pursuant~~
7 ~~to the Osteopathic Initiative Act, or pursuant to the Chiropractic~~
8 ~~Initiative Act.~~

9 ~~(b) An appropriate health care professional certified pursuant~~
10 ~~to Division 2.5 (commencing with Section 1797) of the Health and~~
11 ~~Safety Code, or an appropriate clinic, health dispensary, or health~~
12 ~~facility licensed pursuant to Division 2 (commencing with Section~~
13 ~~1200) of the Health and Safety Code.~~

14 ~~SEC. 5.—No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~